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IN THE CLAIMS

Please amend the claims to read as follows:

Listing of the Claims:

1. (Currently Amended) A reception apparatus comprising:
~~a control channel receiver that receives a control channel including control information and a data channel;~~
~~a data channel receiver that receives a data channel;~~
~~a comparator that compares the control information with transmitted on the control channel with a reception capability of the reception apparatus; and~~
~~a detector that performs error detection on a decoding result of the data channel;~~
~~a transmitter that transmits an ACK signal or a NACK signal according to a detection result in the detector; and~~
~~a controller that makes the transmitter transmit neither the ACK signal nor the NACK signal when the control information is out of a scope of the reception capability of the reception apparatus a controller that makes the data channel receiver receive the data channel using the control information, when the control information is within a scope of the reception capability of the reception apparatus, according to a comparison result in the comparator.~~

2. (Currently Amended) The reception apparatus according to

claim 1, further comprising:

a determiner that determines whether or not the control channel is a control channel intended for the reception apparatus,

wherein the controller makes the transmitter transmit the ACK signal or the NACK signal, when the control channel is a control channel intended for the reception apparatus and the control information is within the scope of the reception capability of the reception apparatus comparator compares the control information with the reception capability of the reception apparatus when the determiner determines that the control channel is a control channel intended for the reception apparatus.

3. (Currently Amended) The reception apparatus according to claim 1, wherein the controller makes the receiver receive the data channel using the control information of further comprising

a detector that detects an error in a decoding result of the data channel; and

a transmitter that transmits an ACK signal or a NACK signal according to a detection result in the detector,

wherein the controller does not make the transmitter transmit the ACK signal and the NACK signal when the control information is out of a scope of the reception capability the apparatus, according to a comparison result in the comparator.

4. (Currently Amended) The reception apparatus according to
claim 1, wherein the control channel is HS-SCCH, while the data
channel is HS-PDSCH A radio communication mobile station apparatus
comprising the reception apparatus according to claim 1.

5. (Currently Amended) The reception apparatus according to
claim 1, wherein when the number of multicode required to receive the
data channel indicated in the control information exceeds the number
of multicode that the reception apparatus is capable of handling, the
controller determines that the control information is out of the scope
of the reception capability of the reception apparatus A reception
method used in a reception apparatus that receives a data channel
using control information transmitted on a control channel, wherein
the data channel is received using the control information when the
control information is within a scope of a reception capability of the
reception apparatus, while not being received when the control
information is out of the scope of the reception capability of the
reception apparatus.

6. (New) The reception apparatus according to claim 1,
wherein when a modulation scheme used in transmitting the data channel
indicated in the control information is a modulation scheme that the
reception apparatus is not capable of handling, it is determined that

the control information is out of the scope of the reception capability of the apparatus.

7. (New) A radio communication mobile station apparatus comprising the reception apparatus according to claim 1.

8. (New) A radio communication method used in a radio mobile station apparatus that receives a data channel using control information transmitted on a control channel, wherein when the control channel is a control channel intended for the radio mobile station apparatus and the control information is within a scope of a reception capability of the radio mobile station apparatus, an ACK signal or a NACK signal is transmitted based on an error detection result of the data channel.